

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

RHONDA BURNETT, JEROD BREIT,
JEREMY KEEL, HOLLEE ELLIS, and
FRANCES HARVEY, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

THE NATIONAL ASSOCIATION OF
REALTORS, REALOGY HOLDINGS CORP.,
HOMESERVICES OF AMERICA, INC., BHH
AFFILIATES, LLC, HSF AFFILIATES, LLC,
RE/MAX LLC, and KELLER WILLIAMS
REALTY, INC.,

Defendants.

Case No. 4:19-CV-00332-SRB

ORDER

On October 13, 2023, the Court presided over a hearing with the parties regarding Plaintiffs' Unopposed Motion for Dismissal of State Law Claims Pled in the Third Amended Complaint. (Doc. #1142.) The Court preliminarily granted this motion and directed notice to be disseminated to the Class. No class members appeared during the hearing and no objections have been filed with the Court. Accordingly, Plaintiffs' Motion is GRANTED. It is hereby ORDERED that:

Count II, Violation of the Missouri Merchandising Practices Act ("MMPA"), in Plaintiffs' Third Amended Complaint is DISMISSED WITH PREJUDICE, except the MMPA claims of class members who engaged in transactions as sellers of real estate between April 29, 2014, and April 28, 2015, which are DISMISSED WITHOUT PREJUDICE. Their claims will be tolled from the date this case was filed through 60 days from the date of this order;

Count III, Violation of the Missouri Antitrust Law, in Plaintiffs' Third Amended Complaint is DISMISSED WITH PREJUDICE; and

The remaining claim to be tried is Count I, Violation of the Sherman Antitrust Act, on behalf of the following class:

All persons who, from April 29, 2015, through June 30, 2022, used a listing broker affiliated with Home Services of America, Inc., Keller Williams Realty, Inc., Realogy Holdings Corp., RE/MAX, LLC, HSF Affiliates, LLC, or BHH Affiliates, LLC, in the sale of a home listed on the Heartland MLS, Columbia Board of Realtors, Mid America Regional Information System, or the Southern Missouri Regional MLS, and who paid a commission to the buyer's broker in connection with the sale of the home.

The parties may consult the transcript for further details or clarification.

IT IS SO ORDERED.

/s/ Stephen R. Bough
STEPHEN R. BOUGH
UNITED STATES DISTRICT JUDGE

Date: October 13, 2023